

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FLOYD SCOTT,

Plaintiff,

v.

ADVENTIST HEALTH BAKERSFIELD,
et al.,

Defendants.

Case No. 1:22-cv-01334-ADA-CDB

ORDER ON PLAINTIFF’S MOTION FOR A
STATUS REPORT

(ECF No. 5)

Plaintiff Floyd Scott (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. (ECF No. 1 at 1). On October 19, 2022, Plaintiff filed a motion to proceed *in forma pauperis*. (ECF No. 2). On October 25, 2022, the Court granted Plaintiff’s motion to proceed *in forma pauperis* but did not direct that service be undertaken until the Court screened the complaint in due course and issued a screening order. (ECF No. 3).

On November 29, 2022, the Court issued a screening order dismissing without prejudice Plaintiff’s complaint with leave to file a first amended complaint. (ECF No. 4). The Court dismissed Plaintiff’s complaint for failing to demonstrate the Defendants’ alleged constitutional deprivations were attributable to the state. *Id.* The Court granted Plaintiff thirty days from the

1 date of service of the order to file a first amended complaint, curing if able, the deficiencies
2 identified by the Court. *Id.*

3 On December 8, 2022, Plaintiff filed a motion for a status report inquiring about the
4 Court's screening of his complaint. Accordingly, it is HEREBY ORDERED:

- 5 1. The Clerk of Court is directed to provide Plaintiff another copy of the screening order
6 dismissing without prejudice Plaintiff's complaint with leave to file a first amended
7 complaint (ECF No. 4);
- 8 2. Plaintiff shall be provided an additional seven days to file a first amended complaint.
9 The amended complaint must be filed by January 5, 2023;
- 10 3. If Plaintiff fails to file a first amended complaint in compliance with the Court's
11 screening order, the Court will recommend to the district judge that this action be
12 dismissed, with prejudice, for failure to obey a court order, failure to prosecute and for
13 failure to state a claim.

14 IT IS SO ORDERED.

15 Dated: **December 12, 2022**


16 UNITED STATES MAGISTRATE JUDGE